

AGING, DEPARTMENT ON[17]

Notice of Intended Action

Proposing rule making related to contracts and subgrants and providing an opportunity for public comment

The Department on Aging hereby proposes to amend Chapter 6, “Area Agency on Aging Planning and Administration,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 17A.3 and 231.14.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 231.33.

Purpose and Summary

These proposed amendments satisfy the requirements of 2018 Iowa Acts, House File 2451, section 9, which eliminates the use of subgrants in emergency situations, to ensure appropriate use of funds for services and to comply with the Older Americans Act.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 17—Chapter 11.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 6, 2019. Comments should be directed to:

Angela Van Pelt
Iowa Department on Aging
Jessie Parker Building
510 East 12th Street, Suite 2
Des Moines, Iowa 50319
Phone: 515.210.2114
Email: angela.vanpelt@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **6.9(2)“c”** as follows:

c. Include in ~~subgrants or~~ contracts provisions for responding to emergency or disaster situations including, but not limited to, shifting funds from one activity to another or from one contractor to another.

ITEM 2. Amend subrule 6.10(4) as follows:

6.10(4) Establishment of a request for proposal process that includes methods of selection of providers and methods for award of grants or contracts under the area plan, including stipulations that all subcontractors ~~or subgrantees~~ comply with all applicable local, state and federal laws, rules or regulations, and, if applicable, all requirements for nonprofit entities;

ITEM 3. Amend rule 17—6.11(231) as follows:

17—6.11(231) Contracts and ~~subgrants~~.

6.11(1) and **6.11(2)** No change.

6.11(3) Contracts with for-profit organizations. An AAA must request prior approval from the department of any proposed service contracts with for-profit organizations under an area plan.

a. No change.

b. The department may approve the contracts only if the AAA demonstrates that the for-profit organization can provide services that are in compliance with the Older Americans Act and consistent with the goals of the AAA as stated in the area plan.